

REMARKS

This Amendment is in response to the final Office Action mailed November 14, 2006. A Request for Continued Examination (RCE) and a request for extension for response within third month are filed herewith.

In the final Office Action, claims 1-13, 15-32, 34-49, 61-67 and 69-72 were rejected under 35 U.S.C. §103(a) as being unpatentable over Continuous Software's Continuous Change Management Suite as evidenced by at least Continuous.com Web pages (Oct-Nov 2002) in view of Hurd II (6,222,535) and further in view of Primavera Project Planner – Planning and Control Guide Version 3.0 (1999). Reconsideration and withdrawal of these rejections are respectfully requested.

Independent claims 1, 19, 37 and 55 and their respective dependent claims were rejected under 35 U.S.C. §103(a) as being unpatentable over Continuous Software's Continuous Change Management Suite in view of Hurd II (U.S. Patent No. 6,222,535) and further in view of Primavera Project Planner – Planning and Control Guide Version 3.0 (1999). Reconsideration and withdrawal of these rejections are requested, for the following reasons.

At the outset, the Office will note that the independent claims have been amended to require the remote definition of an Issue, a Change Request and a Change Order - the alternative “**at least one of**” having been canceled from the claims. It is also noted that the claim rejections specifically referenced the alternative form, and focused on the Change Request, and not on all three of the Issue, Change Request and Change Order, and not on the requirement to remotely define and store second dependency relationships between the define Issue, Change Request and Change Order, as now claimed. Therefore, as now defined, the claimed embodiments requires

the definition of an Issue, Change Request and Change Order, and requires the remote definition of a second dependency relationship between the identified task (with which there is an identified problem, as claimed) and the defined Issue, Change Request and Change Order.

Specifically, the Office relies on the tertiary reference to Hurd for its alleged teaching of defining and storing (only) a change order, and not an Issue, Change Request and Change Order, as now recited in the claims.

Page 8 of the Office Action acknowledges that “Continuus does not expressly teach defining and storing a *change order* wherein the change order defines/identifies the authorized steps to resolve the issue/change request as claimed,” and points to Hurd as teaching this subject matter. Specifically, the Office points to Col. 3, lines 3-46 and Figs. 1-4 as teaching defining issues, assigning issues and tracking issue resolution.

This passage is sufficiently brief as to be reproduced below in its entirety:

In order to facilitate understanding the teachings of the embodiments of the present invention, it will be helpful to know the terminology used. In the context of the present invention, there is some basic information associated with each issue. Issue information may include, inter alia, a relative priority, originator information, suspense information, and, an issue description. The importance of a particular issue, as compared to other issues, is set as the relative priority for the issue. In one embodiment, 1 represents a high priority issue, 2 represents a medium priority issue, and 3 represents a low priority issue. The relative priority for an issue may be established by user entry. Other ways of entering a priority for an issue may also be used.

Originator information provides information regarding the initiation of an issue. For example, originator information includes an indication of the originator of the issue, i.e., the person who enters the issue into the system, or who causes the issue to be entered. The identification of the user may be that user's e-mail address, employee number, network userid, or any other identification means. In a embodiment, the entering user's userid is automatically entered by the system. Originator information may also include, inter alia, an indication of the entering user's group and information regarding where the issue originated (e.g., at the July 2 meeting), etc.

Suspense information provides an indication of the time frame in which an issue is to be resolved. Suspense information may be indicated using any information which conveys a time frame. In one embodiment, the suspense information is a calendar date by which an issue must be resolved, i.e., a

suspense date. In another embodiment, suspense information is a time period within which an issue must be resolved, i.e., a suspense time (e.g., 48 hours). In one embodiment, suspense information is optional.

An issue description provides an indication of what the issue is about. In one embodiment, an issue description is entered in a free-form text field. The description may be entered manually using, for example, a keyboard, or a description may be "cut and pasted" into this field. In an alternate embodiment, codes may be used to enter a issue description. In another alternate embodiment, a hypertext link to a world wide web (www) page may be used to link a user to an issue description. Other means of entering the description of the issue may also be used.

According to one embodiment of the present information, all of the above described issue information may be updated. For example, the relative priority of an issue may be changed from high to low if subsequent events render the issue unimportant.

This passage does not teach or suggest, alone or in combination with the other cited references), the requirement of a remote definition of an Issue, a Change Request and a Change Order wherein the change order defines/identifies the authorized steps to resolve the issue/change request, as claimed. The first paragraph teaches that issue information may include relative priority, originator information, suspense information, and an issue description. The second paragraph teaches that the originator information may include a userid. The third paragraph teaches suspense information, which indicates the time frame in which the issue must be resolved. The fourth paragraph teaches that the issue description "provides an indication of what the issue is about," which may be textual or Web content. Lastly, the fifth paragraph states that the issue information may be updated.

It is respectfully submitted that this passage (or the remainder of Hurd) plainly does not teach or remotely suggest (alone or in combination) requiring a remote definition of an Issue, a Change Request and a Change Order wherein the change order defines/identifies the authorized steps to resolve the issue/change request, as claimed. Likewise, the last paragraph of page 8 of the outstanding Office Action also states that the same Col. 3, lines 3-46 and Figs. 1-4 teach a change request identifying at least one step to be taken pending authorization to resolve the issue.

Respectfully, this passage teaches: 1) issue information; 2) originator information; 3) suspense information; 4) issue description; and 5) that the issue information may be updated; and nothing else. Fig. 1 shows client-server architecture, Fig. 2 is a flowchart showing the steps to decide whether a proposed solution is acceptable, Fig. 3 is a state diagram showing issue tracking and Fig. 4 shows how a report may be generated by selecting report format, sort criteria and filter criteria. Neither Col. 3, lines 3-46 nor Figs. 1-4 teach or suggest requiring the remote definition of an Issue, a Change Request and a Change Order wherein the change order defines/identifies the authorized steps to resolve the issue/change request, as claimed. It is respectfully submitted that the Office has mischaracterized the Hurd, II reference in this case to fit the requirements of §103(a) that each claim limitation be taught or suggested in the applied reference or applied combination of references.

Page 16 of the Office Action states that “Neither Continuous nor Hurd expressly teach integrating a issue, change request or change order is into the hierarchy of tasks *without changing the defined first dependency* as claimed”, and points to Primavera for the subject matter acknowledged to be missing in Hurd. Specifically, the Office states that Primavera teaches integrating project tasks into the project hierarchy without changing (removing, destroying, distributing, etc.) the existing plurality (first/second) of task relationships/dependencies. At the outset, the presently claimed embodiments are not characterized by defined or call for adding or integrating project tasks into a project hierarchy, even without changing the existing dependencies. Any project management software is capable of providing the user with the ability to add/modify/cancel one or more project tasks into and from an existing project. Instead, the claimed embodiments, as amended herewith, call for:

enabling remote definition of an Issue, a Change Request and a Change Order, the Issue identifying a problem within an identified one of the defined plurality of tasks whose resolution is to be tracked and whose resolution is necessary for the identified task to be completed, the Change Request identifying at least one step to be taken pending authorization to resolve the Issue and the Change Order identifying authorized steps to resolve the Issue, wherein the identified at least one step to be taken to resolve the Issue is included in the Change Order when the Change Request is authorized;

storing the defined Issue, Change Request and Change Order in the database; and

requiring remote definition and storage in the database of at least one second dependency relationship between the defined Issue, Change Request and Change Order and the identified task in such a manner that the defined Issue, Change Request and Change Order is integrated into the hierarchy of tasks without changing the defined first dependencies.

Thus, the claim requires the remote definition ... of at least one second dependency relationship between the defined Issue, Change Request and Change Order and the identified task in such a manner that the defined Issue, Change Request and Change Order is integrated into the hierarchy of tasks without changing the defined first dependencies. Therefore, it is not just another task that must be integrated into the hierarchy of tasks, but the Issue, Change Request and Change Order that must be integrated into the hierarchy of tasks without changing the first and second dependencies. This functionality is present only in the claimed embodiments, and is not taught or suggested in Primavera or any of the other references, whether considered singly or in combination with one another.

That Primavera allows users to revise/update project schedules by adding/inserting, removing/dissolving, modifying or moving tasks into/out of the existing task hierarchy does not, without more, provide any guidance to the person of ordinary skill in the art in developing the claimed invention, whether or not such a person of ordinary skill considers the Primavera reference alone or in combination with the Continuus and Hurd references.

It is only the present invention that teaches to integrate the Issue, Change Request and Change Order into the hierarchy of tasks without changing the first and second dependencies. Figs. 5 and 6 of Primavera, also cited in the Office Action as teaching and/or suggesting these claimed steps, are no more instructive. Indeed, **Fig. 5** on page 145 of Primavera teaches to **extract an activity**, which removes the extracted activity from the relationship chain, and connects the extracted predecessor's activity to the extracted successor's activity. This does not teach or suggest to integrate the Issue, Change Request and Change Order into the hierarchy of tasks without changing the first and second dependencies, as claimed and as required by the claims. Likewise, **Fig. 6** on page 145 teaches how to **dissolve an activity** from the project, which removes an activity from the relationship chain while maintaining its predecessor and successor relationships. It is respectfully submitted that such are useful features, to be sure, but features that has no bearing upon the claimed steps of the present application.

Therefore, the Continuuus reference is acknowledged to “not expressly teach defining and storing a *change order* wherein the change order defines/identifies the authorized steps to resolve the issue/change request as claimed.” Hurd, however, has been shown above to neither teach nor suggest remote definition of an Issue, Change Request and Change Order wherein the Change Request identifies at least one step to be taken pending authorization to resolve the Issue and the Change Order defines/identifies the authorized steps to resolve the issue, even in combination with the other applied references. Lastly, the Office Action has acknowledged that “Neither Continuuus nor Hurd expressly teach integrating a issue, change request or change order is into the hierarchy of tasks *without changing the defined first dependency* as claimed”, and has pointed to Primavera for such a teaching. However, Primavera, as demonstrated above, only teaches to revise/update project schedules by adding/inserting, removing/dissolving, modifying

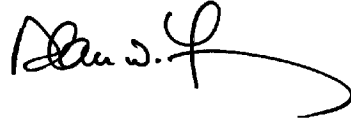
or moving tasks into/out of the existing task hierarchy, but does not teach, as shown above, to integrate the Issue, Change Request and Change Order into the hierarchy of tasks without changing the first and second dependencies, as claimed in each of independent claims 1, 19, 37 and 55.

New claims 73-76 are presented herewith, which recite that the document associated with the Issue, Change Request or Change Order includes proposed or authorized steps to resolve the Issue. In contrast, Continuous only teaches that reports may be generated to “show the current state of their projects... includes a wide variety of standard report formats that can be used immediately with little or no modifications.” Continuous, page 27, bullet 4. That Continuous has the ability to generate standard report ... with little or no modifications does not rise to the level of a teaching or suggestion of a “document associated with the Issue, Change Request or Change Order includes proposed or authorized steps to resolve the Issue,” as claimed herein, whether considered alone or in combination with Hurd and Primavera.

Because at least one element of Applicants’ claimed inventions is not disclosed, taught or suggested in the applied combination, Applicants respectfully submit that no prima facie case of obviousness under 35 U.S.C. §103 has been established. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In re Wilson, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970). Therefore, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejections applied to the claims are respectfully requested.

Applicants believe that this application is now in condition for allowance. If any unresolved issues remain, please contact the undersigned attorney of record at the telephone number indicated below and whatever is necessary to resolve such issues will be done at once.

Respectfully submitted,



Date: May 9, 2006

By: _____

Alan W. Young
Attorney for Applicants
Registration No. 37,970

YOUNG LAW FIRM, P.C.
4370 Alpine Rd., Ste. 106
Portola Valley, CA 94028
Tel.: (650) 851-7210
Fax: (650) 851-7232

C:\YLF\CLIENTS\ORCL\5727\5727 AMEND.4.doc